MSS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2647 OF 2006

IN

SUIT NO. 663 OF 1996

M/s. KANTI ENGINEERING WORKS .. PLAINTIFFS

Vs.

BABAN SAKHARAM BANE .. DEFENDANT

Mr. K. J. Hakani for plaintiffs
Mr. S. K. Pathare for defendant

CORAM: **SMT. RANJANA DESAI, J.**

DATE: SEPTEMBER 14, 2007.

P.C.

. This motion is taken out by the plaintiffs inter alia for appointment of Court Receiver.

2. I have heard the learned counsel for the parties.

3. The learned counsel for the defendant says that the defendant has no desire to create any third party interest in the suit premises or part with the possession thereof or in any manner carry out any construction of permanent nature amounting to

additions, alterations of the suit premises. He submits that the defendant is ready to give the usual undertaking to this court. He has tendered in the court undertaking of defendant Baban Sakharam Bane. A copy of the said undertaking has also been handed over to the counsel for the plaintiff. The learned counsel for the plaintiff has approved it.

4. In the circumstances of the case, therefore, in my opinion the motion can be disposed of by taking the undertaking of the defendant on file and accepting it. Hence the undertaking of the defendant dated 14/9/07 is taken on record and accepted. It is marked "X". For the present no other order is necessary. Needless to say that the plaintiff can renew his prayers or move for other appropriate order, if the defendant commits breach of the undertaking.

5. In the circumstances of the case, the suit is expedited.

6. Motion is disposed of in the aforestated terms.

JUDGE.